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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean Engelhardt et al.

Serial No.: 08/486,069

Filed: June 7, 1995

For: NUCLEIC ACID SEQUENCING PROCESSES USING NON-
RADIOACTIVE MODIFIED NUCLEOTIDES OR NUCLEOTIDE
ANALOGS AND OTHER PROCESSES FOR NUCLEIC ACID
DETECTION AND CHROMOSOMAL CHARACTERIZATION
USING SUCH NON-RADIOACTIVE DETECTABLE MODIFIED
NUCLEOTIDES OR NUCLEOTIDE ANALOGS

Group Art Unit: 1631

Primary Ex'r: John S. Brusca

527 Madison Avenue, 9th Fl.
New York, NY 10022-4304
October 5, 2006

FILED BY FACSIMILE TRANSMISSION
TO: 571-273-8300

Mail Stop -- Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

SUGGESTION OF AN AMENDMENT
(FOLLOWING THE AUGUST 7, 2006 INTERFERENCE COMMUNICATION:
INITIAL MEMO DISPOSAL)

Sir:

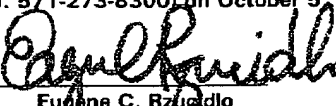
The purpose of this paper is to suggest the cancellation of a number of claims in the above-identified application so that the claims that will remain as pending (including base claims and intervening dependent claims) correspond to Proposed Count 1 in Applicants' September 28, 2004 Request For Interference.

Enz-5(D8)(C2)

Dean L. Engelhardt et al., Serial No.: 08/486,069 (Filed: June 7, 1995)
Page 2 [Suggestion Of An Amendment (Following The August 7, 2006 Interference
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CERTIFICATE OF TRANSMISSION	
I hereby certify that this paper (Suggestion Of An Amendment (Following The August 7, 2006 Interference Communication: Initial Memo Disposal) (along with any documents referred to as attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on October 5, 2006.	
<u>10/05/06</u> Date	 Eugene C. Rzulio Reg. No. 31,900

Listed below are:

- the previously pending claims¹,
- the claims being suggested for cancellation²,
- the claims which would remain and be pending after cancellation of
the suggested claims³, and
- the interfering claims:⁴

¹ Following entry of Applicants' November 9, 2005 Second Supplemental Amendment.

² The claims suggested for cancellation have all been allowable, but they do not correspond to Proposed Count 1 in Applicants' September 28, 2004 Request For Interference.

³ The claims that would remain as pending would include the interfering claims (that correspond to Proposed Count 1) as well as any base claims and intervening dependent claims.

⁴ As set forth in the September 28, 2004 Request For Interference, page 3.

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Previously Pending Claims:

569-571, 573-575, 577, 582-589, 592-594, 597-600, 602-604, 607-608,
610-612, 614-624, 634-635, 637-638, 641-642, 646, 648-651, 656-661, 667,
670, 707-714, 716-717, 719-723, 725-727, 729, 734-747, 749-752, 754-756,
759-760, 762-764, 766-776, 786-787, 789-790, 793-794, 796-797, 800-803,
808-813, 819, 822, 859-866, 868-869, 871-875, 877-879, 881, 886-899, 901-
904, 906-908, 911-912, 914-916, 918-928, 938-939, 941-942, 945-949, 952-
955, 960-965, 971, 974, 1011-1018, 1020-1021, 1023-1027, 1029-1031, 1033,
1038-1051, 1053-1056, 1058-1060, 1063-1064, 1066-1068, 1070-1080, 1090-
1091, 1093-1094, 1097-1099, 1101, 1104-1107, 1112-1117, 1123, 1126, 1163-
1170, 1172-1173, 1175-1179, 1181-1183, 1185, 1190-1200, 1204, 1208-1209,
1212-1216, 1218-1244, 1248-1249, 1253, 1255-1258, 1263-1270, 1272, 1275,
1278-1294, 1296-1328, 1331-1332, 1334-1351, 1353-1354, 1357-1358, 1360,
1362-1369, 1372-1380, 1383, 1386-1391, 1393-1407, 1409-1487, 1490-1491,
1493-1499, 1504-1516, 1518, 1520-1525, 1527, 1530-1539, 1541, 1544-1568,
1570-1585, 1587, 1592-1612, 1614-1615, 1618-1621, 1623-1628, 1631-1632,
1635-1647, 1649-1656, 1658, 1660-1667, 1670-1677, 1679-1680, 1682, 1685-
1722, 1727-1739, 1742-1757, 1760-1768 and 1776-1795.

Claims Suggested For Cancellation:

570-571, 573-575, 577, 582-589, 592-594, 597-599, 602-604, 607-608,
610-612, 614-624, 634-635, 641, 646, 648-651, 656, 667, 708, 716-717, 719-
720, 722-723, 725-727, 729, 734-747, 749-751, 754-756, 759-760, 762-764,
766-776, 786-787, 793, 796-797, 800-803, 808, 819, 860, 868-869, 872, 874-
875, 877-879, 881, 886-899, 901-903, 906-908, 911-912, 914-916, 918-928,
938-939, 945, 947, 949, 952-955, 960, 971, 1012, 1017, 1020-1021, 1024,
1026-1027, 1029-1031, 1033, 1038-1051, 1053-1055, 1058-1060, 1063-1064,
1066-1068, 1070-1080, 1090-1091, 1097, 1099, 1101, 1104-1107, 1112, 1123,

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1164, 1169, 1172-1173, 1176, 1178-1179, 1181-1183, 1185, 1190-1200, 1204,
1208-1209, 1212-1216, 1218-1244, 1248, 1253, 1255-1258, 1263, 1275, 1279-
1285, 1292-1294, 1296, 1411-1487, 1490-1491, 1493-1499, 1504-1516, 1518,
1520-1525, 1527, 1530-1539, 1541, 1544-1568, 1570-1581, 1700-1722, 1727-
1738, 1742-1757, 1760-1766, 1776-1781, and 1784-1794.

Pending Claims Following Cancellation of Suggested Claims:

569, 600, 637-638, 642, 657-661, 670, 707, 709-714, 721, 752, 789-790,
794, 809-813, 822, 859, 861-866, 871, 873, 904, 941-942, 946, 961-965, 974,
1011, 1013⁵-1016, 1018, 1023, 1025, 1056, 1093-1094, 1098, 1113-1117,
1126, 1163, 1165-1168, 1170, 1175, 1177, 1249, 1264-1270, 1272, 1278,
1286-1291, 1297, 1739, 1767-1768, 1782-1783, and 1795.

Interfering Claims:

638, 642, 660, 661, 670, 707, 711, 712, 714, 790, 794, 812, 813, 822,
859, 863, 864, 866, 871, 942, 946, 964, 965, 974, 1011, 1015, 1016, 1018,
1023, 1094, 1098, 1116, 1117, 1126, 1163, 1167, 1168, 1170, 1175, 1249,
1267-1270, 1272, 1278, 1288, 1289, 1291, 1297, 1739, 1767, 1768, 1782,
1783 and 1795.

It is respectfully requested that the suggested claims listed above be canceled
so that this application can proceed to interference.⁶

⁵ To correct a minor informality in claim 1013, a space should be added between "873" and "or" in the preamble of this claim. As presently written, claim 1013 recites "The process according to claims 873or 904," . . .

⁶ Cancellation is requested without prejudice to Applicants' right to pursue at a later time the subject matter of these claims.

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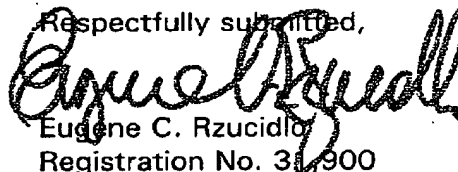
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If a telephone conversation would be helpful in processing claim cancellation in this application, the Examiner is invited to call Applicants' undersigned attorneys at the numbers below.

Early action is respectfully requested.

Respectfully submitted,



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